



**U.S. Department of Justice
U.S. Attorney's Office
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**RESPONSE OF UNITED STATES ATTORNEY JOHNNY SUTTON TO SENTENCING
OF BORDER PATROL AGENTS COMPEAN AND RAMOS**

In my opinion, United States Border Patrol agents are some of America's most unsung heroes. They have an enormously difficult job. They routinely go up against drug traffickers and alien smugglers often in the middle of the night in some of the most remote and inhospitable areas of the United States. At times, they face great danger. The law recognizes that agents will make mistakes, and the government takes responsibility for good faith mistakes made in the line of duty. But no agent is given license to willfully shoot an unarmed, fleeing suspect in the back simply because the job is difficult, dangerous, or important.

The simple truth of this case is that Agents Compean and Ramos shot 15 times at an unarmed man who was running away from them and posed no threat. They lied about what happened, covered up the shooting, conspired to destroy the evidence and then proceeded to write up and file a false report.

Agent Compean and Ramos were not railroaded by some over-zealous prosecutor, they were unanimously found guilty by a jury in a United States Federal District Court after a trial that lasted more than two and a half weeks. The two agents were represented by experienced and aggressive trial attorneys, both of whom vigorously challenged the Government's evidence through cross examination. Both agents told their stories from the witness stand and had full opportunities to explain their version of events and to offer their own evidence. The jury heard everything including the defendant's claims of self defense. The problem for Mr. Compean and Mr. Ramos is that the jury did not believe their stories because they were not true.

The trial evidence showed that around 1:00 p.m. Aldrete (the Mexican alien) initially ran from the agents, but surrendered with his empty hands raised over his head after Agent Compean pointed his shotgun at him. As Agent Compean tried to push Aldrete down to the ground with the butt of his shotgun, Compean tripped and fell and Aldrete took off again toward the Rio Grande River and Mexico. Compean chased Aldrete firing at him with his pistol fourteen times, pausing once to reload and then shoot some more. Agent Ramos shot once and struck Aldrete in the buttocks. Neither agent made any further effort to apprehend him. After the shooting, Compean and Ramos decided to lie to their supervisors about the shooting and picked up and threw away the fired shell casings. Next they filed a false investigative report leaving out any mention of the confrontation with the alien.

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If Compean and Ramos truly believed Aldrete was a threat, why did they abandon him after shooting him? And if they truly believed the shooting was justified, why did they not report it, leave the scene undisturbed, and let the investigation absolve them? The answers to these questions are simple. The agents knew that Aldrete did not pose a threat as he fled, they knew the shooting was unjustified and unlawful, and they knew an investigation would incriminate them. So they chose to cover up their crime. In America, law enforcement officers do not get to shoot unarmed suspects who are running away, lie about it to their supervisors and file official reports that are false. That is a crime and prosecutors cannot look the other way.

My office would have much preferred to see Aldrete convicted and sent to prison for his crimes. We are in the business of putting guys like him in the penitentiary. We do it every day. But since the agents could not identify him, found no fingerprints, could not tie him to the van and did not apprehend him after shooting him, the case against Aldrete could not be proved. The agents' criminal behavior, lies and efforts to conceal their crime destroyed their credibility before any jury.

Confronted with the willful and illegal use of deadly force by experienced Border Patrol agents, and insufficient evidence to prosecute the marijuana violation, prosecutors promised Aldrete they would not use his truthful statements and testimony to prosecute him. This type of “use immunity” is authorized by federal statute, and federal prosecutors around the country routinely make similar representations to obtain crucial testimony. As a practical matter, the promise to Aldrete gave up very little, but allowed us to investigate a serious crime of violence. Contrary to the claims of Compean, Ramos and others, this does not make the border less secure. Allowing lawless and wanton violence by even two Border Patrol agents to go unaddressed only invites further escalation of violence along the border.

Finally, Congress determined the penalties imposed on Compean and Ramos, by setting the punishment for discharging a firearm during a crime of violence at imprisonment for at least ten years, on top of any other sentence imposed. Although the penalty is stiff, Congress intended to deter and severely punish the unlawful use of guns and made no exception for law enforcement officers. If we are to demand that the laws be followed on our Southwest border we must be prepared to apply them to our own agents when they willfully and intentionally violate them.

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